

REMARKS

I. INTRODUCTION

The Office Action mailed on November 25, 2005 and the patent cited therein have been carefully studied and, in view of the following representations, reconsideration and allowance of this application are most respectfully requested.

By the current amendment, the specification has been amended, and claims 42 and 53 have been amended. No new matter has been added by the present amendment, as support thereof can be found in the present specification at, *inter alia*, page 5, lines 2-13.

II. PRIORITY CLAIM UNDER 35 U.S.C. § 120

The claim to domestic priority under 35 U.S.C. § 120, which was filed on March 1, 2004, has been acknowledged, but is allegedly unclear. Applicant has herein amended the specification in the manner specified in 37 C.F.R. § 1.78(a)(2)(i) and (a)(2)(iii) such that the first sentence following the title now contains the full claim to domestic priority under 35 U.S.C. § 120. Applicant has also included herein a petition under 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed priority claim under 35 U.S.C. § 120, and the surcharge required under 37 C.F.R. § 1.17(t). *See* Office Action mailed on November 25, 2005, pages 3-4. Thus, Applicant respectfully submits that the claim to domestic priority under 35 U.S.C. § 120 has now been clarified.

III. OBJECTION TO SPECIFICATION

The specification has been objected to due to an informality concerning a chemical formula on page 5. Applicant has herein amended the specification on page 5 to delete the chemical name “1,3-bis (N,N-t-butyl-phenyl)-1,3,4-oxadiazole” as was done in

parent application no. 09/629,335. Applicant has also amended claims 42 and 53 in a similar manner. In addition, Applicant has amended the specification elsewhere, as listed above, to correct several typographical errors therein. Thus, Applicant respectfully submits that the objection to the specification has been overcome and should therefore be withdrawn.

IV. DOUBLE PATENTING REJECTIONS

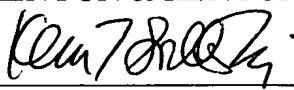
Claims 39-60 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,645,645. Applicant submits herewith a terminal disclaimer filed in accordance with 37 C.F.R. § 1.321 in order to overcome this obviousness-type double patenting rejection. Therefore, Applicant respectfully submits that this obviousness-type double patenting rejection has been overcome and should therefore be withdrawn.

V. CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance and requests that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicant's attorney, the Examiner is invited to contact the undersigned at the telephone number below.

Dated: February 27, 2006

Respectfully submitted,
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